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CHARGE

TO THE

GRAND JURY

OF THE

CITY and LIBERTY
of WESTMINSTER, &c.

At the General Quarter-Sessions of the Peace,
held the third Day of *July*, 1729, in
WESTMINSTER-HALL.

By Sir JOHN GONSON Kn^t.

*Printed at the Desire of the Justices of the
Peace, for the said City and Liberty, and
of the Grand Jury.*

L O N D O N :

Printed by CHARLES ACKERS, in *Great-Swan-
Alley, St. John's-Street.* 1729.

Civitas, Burgus, & Villa Westm. in Com. Midd. } *Ad Generalem Quarterialem Sessionem Pacis Domini Regis tent' Sapud Westm. pro Libertat' Decani & Capituli Ecclesiæ Collegiat. beati Petri Westm. Civit', Burgi, & Villæ Westm. in Comit. Midd. & Sancti Martini le Grand, London' Die Jovis scilicet tertio die Julii, Anno Regni Domini Georgii Secundi, Dei Gratiâ, nunc Regis Magnæ Britannia, &c. Tertio.*

THIS Court taking into their Consideration the most Religious, Learned, Useful, and Excellent Charge, this Day delivered by Sir JOHN GONSON Knight, Chairman of this Court, to the Grand Jury, sworn to enquire for our Sovereign Lord the King, for the Body of this City and Liberty, at this present Sessions of the Peace; doth hereby Order, that the said Sir JOHN GONSON have, and he hereby hath the Thanks of this Court for the same; and the said Sir JOHN GONSON is hereby desired to cause his said Charge to be forthwith Printed and Published.

Per Curiam

MIDDLETON.

To the W O R S H I P F U L

Sir JOHN GONSON Kn^t.

CHAIRMAN of the General Quarter-Sessions of the Peace, held for the City and Liberty of *Westminster*, &c. the third Day of *July*, 1729.

WE the Grand Jury impanelled and sworn to enquire for our Sovereign Lord the King, for the Body of the said City and Liberty, having (with due Respect and Attention) received from your *Worship*, a most Eloquent and Useful Charge, tending to the good Government and Information, not only of this City and Liberty,

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but

but to the universal Guidance and Direction of all Persons whatsoever, in the Execution of the several Offices and Trusts in them respectively reposed ; Do therefore return our most humble Thanks for the same, and intreat that you will be pleased to cause the said Charge to be Printed, for the better Improving the Knowledge of his Majesty's Subjects in the Laws and Customs of this Realm.

Samuel Beyer,

John Hodson,
William Boon,
Lawr. Neale,
John Hathaway,
Wm. Barber,
Jof. Mines,
John Buck,
Tho. Paulin,
Samuel Cockey,
Moses Holloway,

Edward Shepherd,
Rich. Williams,
Jof. Caldecott,
Richard Clayton,
Geo. Shute, *Jun.*
Cuthbert Cornforth,
John Bladwell,
John Dunkarton,
Peter Le' Cott,
Tho. Gibson.



A

CHARGE

TO THE

GRAND JURY, &c.

Gentlemen of the Grand Jury,



GOVERNMENT in general is an orderly constituted Power, for publick Good. Orderly, to prevent Anarchy and Confusion; Constituted Power, to prevent Usurpation; For publick Good, to prevent Tyranny and Oppression.

THE Use and Necessity of Government is so obvious to all Men, that
there

there never was Age or Country without some Sort of civil Authority. But as Men are seldom unanimous in the Means to attain their End; so their Difference in Opinion, in Relation to Government, has produced Variety of Forms of it in the World. To enumerate them would be to recapitulate the History of the whole Earth. But they may, in general, be reduced to one of these Heads; either the civil Authority is delegated to one or more, or else it is still reserved to the whole Body of the People. Whence arises the known Distinction of Government, into Monarchy, Aristocracy, and Democracy.

MONARCHY it's probable was the first and most natural Government, because the most simple and easy for Men to light on. And in the first Ages of the World, before Ambition and Luxury had debauched the Minds of Princes, it was doubtless the best Sort of Government. But the Setting up so many Commonwealths on the Ruin
of

of Monarchies, shewed that Men found great Mischiefs and Inconveniencies in that Sort of Government, when it once grew tyrannical, or else they had never departed from it. And this made them, as BRUTUS said, at the Beginning of the *Roman* Commonwealth, to invent other Sorts of Government, which might partake of all the Benefits, without the Inconveniencies of absolute Monarchy *.

WE can never enough admire the Wisdom of the antient *German* and *Go-*

* HOOKER'S *Eccl. Polity*, lib. I. sect. 10. At the first, when some Kind of Regimen was once appointed, it may be that nothing was then farther thought upon for the Manner of Governing, but all permitted unto their Wisdom and Discretion which were to rule. 'Till by Experience they found this for all Parts very inconvenient, so as the Thing, which they had devised for a Remedy, did indeed but increase the Sore, which it should have cured. They saw, that to live by one Man's Will became the Cause of all Men's Misery. This constrained them to come to Laws, wherein all Men might see their Duty beforehand, and know the Penalties of Transgressing them.

this

thic Nations, who preferred a limited Monarchy to all other Forms of Government, as an excellent Medium between the Mischiefs of arbitrary Power, and those Inconveniencies that attend Republicks, where either the common People or the Nobility must govern. And of this antient Constitution our Government is the Noblest, and almost the only Remains. Our Legislature is in the King, and the two Houses of Parliament. The executive Power is in the King, who is to govern his People by Laws of their own Choosing. The King is owned to be the Supreme of these Authorities, and in some Cases the Crown is the whole Power of the Kingdom. As for Instance, the Power of Making War or Peace is intirely in the Crown. So is the executive Part of the Law. But then to Restrain this Power, even where it is Absolute, from Exerting to any Thing unreasonable or unjust, there is, first, as to Making an unreasonable War, no Money

to be raised for Carrying on this War, or for any Thing else without a House of Commons. In the next Place, to Redress erroneous Judgments, or Decrees, upon which Executions would follow. Those Judgments, or Decrees, made by the King's Courts, may be reversed by an Appeal to the House of Lords, which is the supreme Court of Judicature, and from whence no Appeal lies to the Crown. For where Kings are not the whole entire Power, the Case of *Meum* and *Tuum* is often disputed between the King and the Subject. And the Judges are under an Oath to give Judgment according to Law ; not only in all Causes between one Subject and another, but also between the King and the Subject. And this Way the Crown is controuled, even by those who act by the Crown's Commission. This original happy Frame of Government is truly and properly called an *English* Man's Birth-right, a Privilege not to be exempt

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from

from Law, but to be freed in Person and Estate, from arbitrary Violence, and Oppression.

And the Institution of Grand and Petit Juries is one of the most anti-ent, and valuable Parts of our Excellent Constitution, and the greatest Fence and Bulwark of our Lives, Liberties, and Properties.

GENTLEMEN,

IT is for the Exercise of this great and invaluable Privilege, that you are now summoned here, and sworn. And you are to present to this Court all Offences against the Rules, either of *Moral* or of *Civil* Justice. Under the former is included all Vice, Immorality, and Profaneness. And under the latter, all Offences committed against your King, and your Country.

THE Honour and Service of Almighty GOD ought to be our first and principal Care. The most famous Writers of Politicks, from PLATO down to

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MACHIAVEL, shew, that Vice is always attended by Corruption, and is the Pest and Bane of every free Community. Every one, who has read the *Roman History*, which is now in the Hands of almost all the World, must be satisfied, that the Reason, why the *Romans* expelled the *Tarquins*, and establish'd Liberty upon a lasting Foundation, was, because they were at that Time a most religious and virtuous People. And the Reason, why they could not recover them, upon the Extinction of the Race of the *CESARS*, was, because they were then a more profligate, vicious, and luxurious People, than ever the World has known in any other Nation. All the famed Legislators of the World, *MOSES*, *LYCURGUS*, *SOLON* and *NUMA* founded their Laws, their Governments, and political Institutions upon Religion and Virtue.

You are therefore, as you honour your King, and love your Country, to take Care, that the Laws against

Immorality and Profaneness be strictly put in Execution, as the most excellent Proclamation, just now read directs, and which I am Commanded to enforce to you, and particularly those against profane Cursing and Swearing, Drunkenness and Breach of the Sabbath.

AFTER those Offences, which more immediately concern Almighty GOD and his holy Religion, you are to Enquire of Offences against *Civil* Justice, which are such Crimes, as are committed against your King and your Country.

THE greatest of these is High-Treason.

IN the *Saxon* Times there was no other Treason known, than that of Treachery to their Country, and Deserting it in Time of Danger *. Even Plotting against their King was no more than Felony, as appears by the *Mirror of Justice* †. An Indictment

* TACITUS *Ger. cap. 10. Proditores & transfugas arboribus suspendunt.*

† *Mirror, cap. 2, sect. 11.*

for an Offence of that Nature, against King EDMUND, concludes only *felonice*. Whereas Indictments in the other Case, concluded *felonice* & *proditoric*. The Punishment of the one was Loss of Life, and Forfeiture of the personal Estate only; of the other, Loss of Life, with Forfeiture of the whole Estate, both Real and Personal *. Treason, which thus antiently related to the Kingdom only, we find, by the Lord Chief Justice GLANVILLE †, who wrote in K. HENRY the II'd's Reign, to have been then extended to the Person of the King; for that Author puts them both on the same Foot, and makes one as well as the other to be *Crimen læsæ Majestatis*. And the Reason of this, no Doubt, was the great Interest, which the Kingdom had in the Safety and Preservation of the Prince.

OFFENCES against the Safety and Honour of the King's Person, being then become 'Treason, made it so extensive,

* *Leg. EDW. cap. 38.* † *GLANV. de Leg. lib. 1, cap. 2, & lib. 14, cap. 1.*

and rendered it of so uncertain a Nature, that Persons were often involved in Treason before they thought of it : For as yet Treason was under no other Regulation, then what the present Sense of the Judges (not always above the Influence of angry or covetous Princes) should determine to be so; of which those Times afforded but too many sad Instances. To obviate therefore this Mischief, was the Statute of the 25th of King EDWARD III. Cap. 2. made, as a Rule whereby the Judges were intirely to govern themselves, who otherwise might have retained to this Day, a Power to declare any Thing to be Treason, which they apprehended to be highly prejudicial to the Kingdom. And tho' the Parliament, for good Reasons, thought it necessary to confine inferior Jurisdictions to one Rule; yet they still reserved to themselves a Power of Judging what shall be Treason in particular Cases, that were not expressed in this Statute,

Statute, as appears by the Proviso at the latter End of it *.

By this Act of the 25th of King EDWARD III. Compassing or Imagining the Death of the King or Queen, or their Eldest Son, or Heir, and declaring by an open Act a Design to Depose, Imprison, or Murder the King, &c. is High Treason. So is Levying War against him ; or Adhering to his Enemies, within the Realm or without ; and also Counterfeiting his Great Seal, or his Privy Seal, or his Money current within the Realm. The several other Species of High Treason, by this and latter Acts, I omit to give you in Charge, because

* *Sett.* 12. “ And because many other like Cases
 “ of Treason may happen in Time to come, which
 “ a Man can’t think or declare at this present Time,
 “ it is accorded, that if any other Case, suppos’d
 “ Treason, which is not above specified, doth
 “ happen before any Justices ; the Justices shall
 “ tarry, without any going to Judgment of the
 “ Treason, till the Cause be shewed and declared
 “ before the King and his Parliament, whether it
 “ shall be judged Treason, or other Felony ”.

not

not likely at present to fall under your Enquiry. And I shall only mention

to you the Statute of the
Cap. 7.

6th of Queen ANNE, whereby it is made High Treason, to Maintain and Affirm, by Writing or Printing, that his Majesty is not lawful King of this Realm; or that the Pretender hath any Right to the Crown; or that any other Person hath any Right to the same, but by the Acts of Settlement; or that the King and Parliament cannot Limit and Bind the Succession of the Crown. And if the Offender Maintains the same by Words only, then it is a Premunire.

AND here I must observe to you, that Altering and Limiting the Succession of the Crown, by Parliament, is no such new or unprecedented thing, as some of the Enemies of our present happy Establishment would make us believe; but it is most agreeable to our Antient Constitution and Laws, and exercised and practised Ages before the Revolution. Of which

which many Instances might be given, from our Histories and Records. Allow me to mention a few. King HENRY VII. had several Titles, yet he thought fit to wave them all, and get the Crown settled upon him, and the Heirs of his Body, by Parliament. * Accordingly an Act passed in the first

* BACON's *Hist. H. VII. Engl. Ed. fol. 7, 8, 11, 12, 16.* BUCK's *Hist. of RICH. III.* Unprinted Statute still upon the Roll, the Title of which is *Titulus Regis*. And it runs in these Words: " To the Pleasure of
 " Almighty GOD, the Wealth, Prosperity, and
 " Surety of this Realm of *England*, and to the
 " singular Comfort of all the Kings Subjects of
 " the same, and in avoiding all Ambiguities and
 " Questions. Be it Ordained, Established, and
 " Enacted, by the Authority of this present Par-
 " liament, that the Inheritance of the Crowns of
 " the Realms of *England* and of *France*, with all the
 " Preeminence, and Dignity Royal to the same
 " Pertaining, and all other Seignouries to the King
 " belonging beyond the Sea, with the Appurte-
 " nances thereto, in any wise due or pertaining,
 " be, rest, remain, and abide in the most Royal
 " Person of our now Sovereign Lord King HEN-
 " RY the VIIth, and in the Heirs of his Body,
 " lawfully coming, perpetually, with the Grace of
 " GOD, so to endure, and in no other ".

Year of his Reign to this Purpose, in which it is remarkable, that there is no Recognition of any antient Right; but only an Establishment of the Possession, which he then had. And this Act was passed before he married with the Princess ELIZABETH, eldest Daughter to King EDWARD IV. and Heiress of the House of York. Nothing therefore can be more evident, then that he depended on his Parliamentary Title. He would never own that of the House of York, or suffer his Queen to join with him in any Act of Government, and this perhaps might be the Reason, why he never repealed the Act of the First of K. RICHARD III. by which she was declared Illegitimate. * And whatever Title the House of Lancaster had, it could not avail him, because his Claim was under one, who was also Illegitimate. † Besides, his Mother, the

* Collect. of Records, p. 709, 714. † JOHN of Gaunt, Duke of Lancaster, had by CATHERINE SWINFORD, before Marriage, four Illegitimate Children,

the Countess of *Richmond*, was alive during his whole Reign, and did not dye 'till after the Accession of King HENRY VIII. *

As K. HENRY the 8th's Grandmother was alive, when he came to the Crown, and as he succeeded by Virtue of a Parliamentary Entail; so he trusted but little to any Hereditary Right. As appears plainly from the several Acts of Parliament he procured for Settling the Succession. By the Act of the 25th of his Reign, † the Lady MARY was Bastardized, and the Crown, for Default of Heirs Male of his Body, lawfully begotten on Q. ANNE BULLEN, was Limited to the Lady ELIZA-

dren, HENRY, JOHN BEAUFORD (afterwards D. of *Somerset*) THOMAS and JOAN, and in the 20th Year of K. RICHARD II. he, by Act of Parliament, makes them Legitimate, COKE's 4 *Inst.* 36, 37. K. HENRY VII. was Son to EDW. HADDAM, Earl of *Richmond*, and MARGARET his Wife, Daughter and Heir of the abovementioned JOHN BEAUFORD, Duke of *Somerset*.

* Lord HERB. *Hist. of H. VIII. Compl. Hist. of Engl. vol. 2, p. 4.* † 25 H. VIII. cap. 22. An Act concerning the Kings Succession.

BETH, and her Heirs. And after this there is another Statute of the 28th of K. H. VIII. * repealing the former Act, and declaring the Lady MARY and Lady ELIZABETH to be both Illegitimate, and settling the Crown upon himself, and the Heirs of his Body by Q. JANE; and for Want of such Heirs, with Power to Dispose of the Crown, by his Letters Patents, or his last Will, to what Person or Persons, and for such Estate in the same, and under such Conditions, as should please his Majesty. And lastly, another Act passed in the 35th Year of his Reign, † altering the Succession again, and settling the Crown, first on his Son, Prince EDWARD and his Heirs; then on the Lady MARY and her Heirs; afterwards on the Lady ELIZABETH and her Heirs; and the Remainder over to such Persons as the King should appoint, by his Letters Patents, or his last Will

* 28 H. VIII. c. 7. An Act concerning the Succession of the Crown. † 35 H. VIII. c. 1, An Act for Establishment of the Kings Succession.

as before. By Force of this Act K. EDWARD VI. succeeded, and after him Q. MARY, and Q. ELIZABETH; both of which, being under a Sentence of Bastardy, could pretend to no Right, but what was given by this Statute of the 35th of K. HENRY VIII. * From hence it is evident, that in the Reigns of K. HEN. VIII. and Q. ELIZABETH, these Parliamentary Settlements of the Crown were held, and esteemed Good and Effectual to those that Claimed under them, against all Pretenders to the Contrary. And this, according to the Opinions of the greatest Men, and most learned Lawyers, who lived in those Days. We have it from the Lord HERBERT's History of K. HENRY VIII. † that Sir THO. MORE, who was Lord Chancellor in that Reign, and RICHARD RICH, then Solicitor General, and afterwards Lord RICH, in their Debate about the Supremacy, both agreed it to be the known Law of *England*, and laid it down as a first Prin-

* 35 H. VIII. cap. 1. † Page 241.

ciple, that the Parliament could Alter and Limit the Succession of the Crown. And some great Lawyers, in a Parliament of Q. ELIZABETH, * declared the same Thing. Mr. YELVERTON, afterward Speaker and a Judge, said, that to Assert that the Parliament had no Power to Determine of the Crown was High Treason. And Mr. MOUNSON Affirmed, that it was horrible to say, that the Parliament had no Authority to Determine of the Crown. For then would ensue (says he) not only the Annihilating the Statute of the 35th of K. HENRY VIII. but the Statute made in the first Year of this Queen's Reign of Recognition should also be made Void. This, and much more to the same Effect, may be found in Sir SIMON D'EWE's Journal. † AND by a Statute of the First of K. EDW. VI. || all Usurpations of the Crown, against the Act of the 35th of HEN. VIII. are made High Treason. - And when

* 13 ELIZ. 1571. † Page 164, 176. || Cap. 12, sect. 9.

the Duke of *Northumberland* (who had married his Son to the Lady JANE GRAY) had prevailed upon K. EDWARD VI. in his Sickness, to Nominate that Lady by Will for his Successor. The Judges, and others the King's Council, told him in exprefs Terms, that such Designation would be of no Force against the Act of Settlement, * by which the Crown, in Case of K. EDWARD's Death without Issue, was Limited to his two Sisters, the Ladies MARY and ELIZABETH.

INDEED, the Author of the Book of the *Hereditary Right of the Crown of England Asserted* †, &c. published in the last Year of the Reign of Q. ANNE, is very positive, that Q. MARY and Q. ELIZABETH had no Occasion for this Act of Parliament, being both Legitimate Descendants of K. HENRY VIII. as he would make his Readers believe. Yet it's plain, that K. HENRY VIII. and his Lawyers and Divines, were of another Opi-

* BURNET's *Hist. of the Reform.* part. 2, fol. 223.

† Page 213, 214, 215, 216.

nion. And as to this Author's Arguments to prove their Legitimacy, this one plain Answer may be given, That they are all of them founded upon the Rules of the Canon Law. Which, unless Confirmed by Act of Parliament, is of no Force here, * especially when it stands (as in this Case) in direct Contradiction to the Laws of *England*. And as to Q. MARY it is plain, at her coming to the Crown, she could not be looked upon as Heir by Right of Blood, because, by the afore-mentioned Statute of the 25th of HENRY VIII. his Marriage with Q. CATHERINE her Mother was declared Unlawful, and the Crown settled on the King, and the Heirs of his Body by Q. ANNE BULLEN, as I mentioned before. And besides all this, she was but Sister by the half Blood to K. EDWARD VI. and so could not Inherit as Heir to him. And tho', in the first Year of her Reign, the Parliament ('tis true) took

* GLANV. l. 7, c. 15. COKE 2 *Inst.* 96, 97. *Stat. of Merton.* c. 9. 23 H. VIII. c. 38. 12 C. II. c. 33.
off

off her Illegitimacy, and repealed so much of the Acts of the 25th and 28th of K. HENRY VIII. as declared her Illegitimate.;* yet in this the Parliament seems rather to provide for the Honour of her Descent, than to declare her Succession to be Inheritance by Right of Blood. Because this Statute of the 35th of K. HENRY VIII. whereby the Crown was settled upon Prince EDWARD, and the Heirs of his Body ; and the Remainder upon the Ladies MARY and ELIZABETH, and whereby the King had also Power given him to Dispose of the Crown, by Letters Patents, or by Will, was not at all repealed, but still remains in our Statute Book. And after the Death of Q. MARY, it was agreed by both Houses of Parliament, that Q. ELIZABETH should be proclaimed ac-

* *Raft.* 4, 1 M. I. *sess.* 2, *cap.* 1, An Act declaring the Queen's Highness to have been born in a most just and lawful Matrimony, and also Repealing all Acts of Parliament, and Sentence of Divorce, made or had to the contrary.

D

cording

according to the Act of Settlement, of the 3^{5th} of K. HENRY VIII.

AND in the Act of Recognition of her Right, 1^{mo} ELIZABETHÆ, * the same Act of Settlement is referred to, and declared to be, and remain the Law of this Realm for ever. And it is evident, that this Glorious Queen thought her Right to the Crown to be so well established, by these Acts of Parliament, that, as it is very well observed by Dr. WELWOOD in his *Memoirs* †, she scorned to repeal, even the Act which declared her Mother's Marriage to be unlawful, and herself to be Illegitimate, and incapable to succeed. But still the Title of Q. ELIZABETH being scrupled by the *Romish* Party, produced and occasioned the Statute of the 13th of her Reign ||. Whereby it was made no less than High Treason, during the Queen's Life, and Loss of Goods and Chattels, afterwards to Affirm and Maintain, that the Queen

* 1 ELIZ. c. 3. *sect.* 1. † WELWOOD's *Me-*
moirs, p. 5. || 13 ELIZ. c. 1.

to, and with the Authority of Parliament, was not able to make Laws and Statutes of sufficient Force and Validity to Bind, Limit, Restrain, and Govern all Persons, their Rights, and Titles, that in any wise may, or might Claim any Interest or Possibility in, or to the Crown of *England*, in Possession, Remainder, Inheritance, Succession, or otherwise howsoever.

THOSE that are truly Loyal to our present most Gracious Sovereign, have Reason to recognize, with high Satisfaction, that such a Power of Altering and Limiting the Descent of the Crown, is duly lodged in the King and Parliament. For under the Authority of an Act of Parliament, we derive to our-selves the Happiness of his Government.

It is owned, that the Monarchy of *England* is Hereditary, and not Elective. But neither our Monarchy, nor any other Monarchy upon Earth, is Hereditary in such a Sense, that it must necessarily descend by Right of

Birth, without Distinction to those who are Incapable, as well as to those who are Capable of it. If in a Hereditary Monarchy the next Heir should happen to be an Idiot, does the Order of his Birth make it necessary, that he should be a King? No body will say that: And yet such a natural Incapacity does not unfit a Prince for Government, more than an Incapacity arising from Principle. He that professes Principles destructive of the End and Design of any Government, is more Dangerous to that Government, and therefore more unfit and incapable of it, than if he was an Idiot. One could not Protect it, the other would destroy it. But no one is born to Destroy the Happiness, and to inflict Misery on any Part of Mankind. No Man is born under an Obligation to submit to any Power applied to such unnatural Purposes. But still the Monarchy of *England* is Hereditary; for our Laws and Customs have made it so. But then there is no Natural or Divine

But

Right of Succession to Crowns, different or abstracted from the Civil and Political Laws, and Constitutions of particular Kingdoms. The Hereditary Right is not unalterable, but subject to the Laws of each Country ; and a Person may be an Heir to a Crown in one Country, that cannot be so in another : As for Instance, in *France* Females cannot Inherit ; whereas in *England* they may. And MARIANA in his History tells us, that antiently in the Kingdom of *Arragon*, the Brother of the King was to Inherit before the Daughter. The People of *Great Britain* have not therefore a Right to Choose whom they please to be their King ; but are obliged to accept of, and to submit to, as such, that Person whom the Legislative Power shall appoint, capable of Answering the End and Design of this Government. By this Rule they guided themselves at the Revolution,

* 1 W. and M. *sess.* 2, *cap.* 2, *sect.* 7. And whereas it hath been found by Experience, that it is Inconsistent with the Safety and Welfare of this *Protestant* Kingdom, to be governed by a *Papish* Prince,

volution, * and considered the Right of Primogeniture as far as it was consistent with the Safety of our Church and Nation. They Transferred their Allegiance from a *Popish* Prince, who was absolutely Incapable by Principle, of Continuing in the Exercise of this Govern-

Prince, or by any King or Queen marrying a *Papist*. The Lords, Spiritual and Temporal, and Commons, do further Pray, that it may be enacted, and it was thereby enacted, That all and every Person, or Persons, that is, are, or shall be Reconciled to, or shall hold Communion with the See, or Church of *Rome*, or shall profess the *Popish* Religion, or shall marry a *Papist*, shall be excluded, and be for ever incapable to Inherit, Possess, or Enjoy the Crown and Government of this Realm, and *Ireland*, and the Dominions thereunto belonging, or any Part of the same ; or to have, use, or exercise any Regal Power, Authority, or Jurisdiction within the same. And in all and every such Case, or Cases, the People of these Realms shall be, and are thereby absolved of their Allegiance. And the said Crown and Government shall, from Time to Time, descend to, and be enjoyed by such Person, or Persons, being *Protestants*, as should have inherited and enjoyed the same ; in Case the said Person, or Persons, so reconciled, holding Communion, or Professing, or Marrying, as aforesaid, were naturally dead.

ment,

ment, to the next Protestant in the Hereditary Line capable of it. By this Rule the Government is at present happily Established, upon our present most Gracious Sovereign *. And by this Rule I hope it will descend to his Royal Progeny, and that *Popery* will never come nearer to the *British* Throne, than the Acts of Settlement do allow of.

You are therefore to be very careful in Presenting all that shall by Writing, Printing, or Speaking, deny his present Majesty's Title to the Crown. Or Maintain, that the Pretender hath any Right to the same. Or that the

* By an Act of the 12th of W. III. cap. 2. The Princess SOPHIA, Electress and Dutches Dowager of *Hanover*, is declared next in Succession, after his Majesty (K. WILLIAM) and the Princess ANNE, and their respective Issue. And that then the Crown, &c. shall remain to the said Princess SOPHIA, and the Heirs of her Body, being *Protestants*. And there is a Proviso, that all Persons who may inherit the Crown, by Virtue of this Act, and are reconciled to the Church of *Rome*, or shall marry a *Papist*, shall be subject to the Incapacities of the said Act of 1 W. and M.

King and Parliament are not invested with sufficient Power to Bind or Alter the Succession of the Crown, that these Offenders may be brought to condign Punishment, and be Convicted, either of High Treason, or Premunires, as this Excellent Statute of the 6th of Q. ANNE directs.

AFTER High Treason, you are to Enquire of Misprision of Treason, of Petty Treason, of Burglary, and of all Sorts of Felonies, either at Common Law, or by any particular Statutes. The Felonies by Statute are very numerous, and I have given an Account of most of them in my Charge, at this Quarter-Sessions, in *July* last, in which, and in my three other Charges, printed by Order of Court, and at the Request of the several Grand Juries, you will also find an Account of the various Sorts of Crimes and Offences committed against the Lives, Habitations, Properties, and Welfare of Mankind, and of the highest and lowest Offences, and therefore, instead of Trou-

Troubling you with a Repetition of the same Things, I have ordered Printed Copies of all those Charges, to be given to every one of you for your Use, on this present or any future Service of this Nature. I shall therefore only take Notice of a very few Offences, some of which were made Felonies by Acts of the last Session of Parliament. By an Act of the 12th of the late K. GEORGE, for the Building a Bridge cross the River of *Thames* from *Fulham* to *Putney*, wilfully and maliciously Burning, Blowing up, Pulling down, or Destroying the said Bridge, or any Part thereof, or Attempting so to do, is made Felony without Benefit of Clergy.

AND by an Act of the last Session
for Relief of Insolvent Debtors, any
Person forswearing himself, in any
Particular, in Order to have the Be-
nefit of the said Act, is to suffer Death
as a Felon. And by another Act of
the last Session, Forgery is also made
E Felony

Felony * without Benefit of Clergy ; as it is by the same Act, to steal Bonds, Notes, and other Securities, for the Payment of Money. And likewise by the same Act, any Person convicted for Perjury, or Subornation of Perjury, besides the Punishment by Law before to be Inflicted for those Crimes, is to be Sent to the House of Correction to hard Labour, for a Time not exceeding seven Years ; or else to be Transported for a Time not exceeding seven Years, as the Court shall think proper. And if any Person so committed to the House of Correction, or Transported, shall voluntarily Escape, or Break Prison, or Return from Transportation, before the Time for which he shall be ordered to be transported, such Offender shall suffer Death as a Felon, and may be tried for such

* An Act for the more effectual Preventing, and further Punishment of Forgery, Perjury, and Subornation of Perjury ; and to make it Felony to steal Bonds, Notes, and other Securities for the Payment of Money.

Felony,

Felony, either in the County where he so escaped, or where he shall be apprehended.

AND for the more effectual Suppressing of Gaming Houses, and Enabling the Justices of the Peace to punish the Gamesters, our Legislature hath now thought fit, by a Clause in an Act passed the last Session, to revive certain Laws, &c. to Impower the Justices of the Peace, upon the Oaths of two Witnesses, to bind, with sufficient Sureties, any Person found Playing in a common Gaming House, to play no more so long as he lives. Whereas it was held before, * that no Person could be bound with Sureties, according to the Statute of the 33^d of HENRY VIII. † unless he was so found playing upon the personal View of the Justices.

THERE is one Thing more, that I must particularly Recommend to your Care, before I dismiss you. And that

* *Rex versus la Serre & Parmentier Hill*, 7 GEO. I. 1720. † *Cap. 9.*

is to present the Authors, Printers and Publishers of all seditious Libels, either against his Majesty's Sacred Person, his Illustrious Family, or his Administration. It should incite your Zeal against these Offenders, if you consider how mild and gracious a Sovereign now Reigns over us. And I dare answer for it, that every Day his Majesty lives, we shall have more and more Reason to bless Almighty GOD for Bringing him to the Throne, and to pray that he may long sit thereon, and be succeeded (in his good Time) by a Race of Virtuous and Religious *Protestant* Princes ; that so all the invaluable Blessings of the present Reign, may be transmitted down to latest Posterity.

F I N I S.









